

Remarks

Claims 1 and 3 are pending in the application. Claim 1 is the independent claim. The examiner has asserted that the previous amendment was not fully responsive to the prior action because claim 1 was amended to include features shown in Fig. 5, and the embodiment of Group I had been previously elected for further consideration. In response, Applicants note that the claims still recite the embodiment of Group I. That is, claim 1 recites a first method for controlling the fluid balance in an anode circuit of a fuel cell system. As noted by the examiner in the election requirement dated November 17, 2009, the invention representing this group was recited in claims 1, 3, and 4 as originally filed. In the previous amendment, claim 1 was amended only to include the features of claim 4, and to address issues of indefiniteness unrelated to the substance of the claim. Therefore, no matter outside that identified by the examiner as belonging to Group I is present in claim 1 as amended.

Based on the foregoing, it is submitted that the claims are not directed to a non-elected invention, and are in fact directed to the invention of elected Group I. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



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Date

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